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9
10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF ARIZONA

12 KOLEEN GALLAGHER,

13 No. 4:17-MC-00005

14 Plaintiff/Judgment Creditor,

15 EXECUTEE/GARNISHEE ANSWER
16 AND AFFIDAVIT

17 vs.

18 RICHARD JAMES GALLAGHER

19 (Rule 69, Fed. R. Civ. Pro; A.R.S. §§12-1572
20 – 1597)

21 Defendant/Judgment Debtor

22 and

23 Beverly Gallagher, Personal Representative
The Estate of Josephine Marie Gallagher
c/o Kevin Kinghorn
Kinghorn Heritage Law Group, PLC
3573 E Sunrise Drive, Suite 209
Tucson, AZ 85718

24 Executee/Garnishee.

25 State of Arizona)

26) ss.

27 County of Pima)

28 1. I am the above-named Executee/Garnishee and am making this affidavit regarding
29 the Writ of Execution served on Executee/Garnishee on December 15, 2017.

30 2. The Executee/Garnishee was indebted to or otherwise in possession of monies of
31 the Judgment Debtor at the time the Writ was served. Executee/Garnishee is the personal
32 representative of the Estate of Josephine Marie Gallagher, of which the Richard Gallagher Trust

1 dated September 15, 2009, is a beneficiary. For purposes of this Answer, and upon information
2 and belief, it is presumed the Richard Gallagher Trust dated September 15, 2009, is the alter ego of
3 the Judgment Debtor.

4 3. The total amount of indebtedness or monies of the Judgement Debtor's in the
5 possession of the Executee/Garnishee at the time the Writ was served is unknown at this time. Until
6 the administration of the Estate of Josephine Marie Gallagher is completed and final distributions
7 are made, it is impossible to ascertain the share amount belonging to the Judgment Debtor.

8 4. The total amount of indebtedness or monies of the Judgment Debtor withheld by the
9 Executee/Garnishee pursuant to the Writ is the entire share of the Estate of Josephine Marie
10 Gallagher payable to the Richard Gallagher Trust dated September 15, 2009, as a devisee of the
11 Estate, not to exceed the amount of the Judgment.

12 5. The amount of indebtedness or monies of the Judgment Debtor not withheld by the
13 Executee/Garnishee will be such amount of the share of the Estate of Josephine Marie Gallagher
14 payable to the Richard Gallagher Trust dated September 15, 2009, in excess of the Judgement.

15 6. At the time the Writ of Garnishment was served upon Executee/Garnishee,
16 Executee/Garnishee did not have possession of personal property of the Judgment Debtor.

17 7. Please list all items of personal property withheld by the Executee/Garnissh pursuant
18 to the Writ: None.

19 8. Based upon the Executee/Garnishee's knowledge, another personal or entity is
20 indebted to the Judgment Debtor or in possession of personal property of the Judgment Debtor,
21 including the following:

22 a. JPMorgan Chase Bank, N.A

23 Mail Code TX3-7861

18 PO Box 659516

19 San Antonio, TX 78265

20 b. BMO Harris Bank, N.A.

21 PO Box 94033

22 Palatine, IL 60094-4033

23 c. Regions Bank

18 1377 Madison Ave

19 Indianapolis, IN 46225

9. Executee/Garnsihee is not a corporation, and therefore the Judgment Debtor does not have any shares of stock or other interest in the Executee/Garnishee.

10. Copies of this Answer were delivered on 1/3/18 to the Judgment Debtor, the Judgment Creditor, or the Judgment Creditor's attorney by regular first class mail to the address determined to be the best calculated to reach the Judgment Debtor in a timely manner.

11. Executee/Garnishee's name, mailing address and telephone number is:

Beverly Marie Gallagher, Personal Representative

The Estate of Josephine Marie Gallagher

c/o Kevin Kinghorn

Kinghorn Heritage Law Group, PLC

3573 E Sunrise Drive, Suite 209

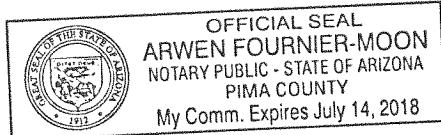
Tucson, AZ 85718

12. I have read the foregoing document and know of my own knowledge that the facts stated therein are true and correct.

WHEREFORE, Executee/Garnishee asks that Executee/Garnishee be discharged on this Answer and that the Court award Executee/Garnishee reasonable compensation in the amount of \$1,250.00.

Beverly Marie Gallagher, Personal Representative
The Estate of Josephine Marie Gallagher
Executee/Garnishee

SUBSCRIBED AND SWORN on December 10, 2017



Notary Public